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In The United States District Court
For The Middle District of
Pennsylvania

FILED
SCRANTON

JUN 21 2017

Michael Rinaldi

And those similarly situated

Vs.

John Doe #1

J. Baltazar

John Doe #2

Complaint For Damages

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This is a Complaint for damages brought under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics* 403 U.S. 388 (1971). Plaintiff, Michael Rinaldi is a prisoner at United States Penitentiary Canaan in Waymart, Pennsylvania. This Complaint is in connection with the collection of DNA (saliva) for the purposes of experimental testing which is a violation of the 4th and 5th Amendments.

Jurisdiction and Venue

This Court has jurisdiction pursuant to 28 § U.S.C. 1331 and because Waymart, Pennsylvania is located in the Middle District of Pennsylvania, this Court is the appropriate venue under 42 U.S.C. § 1391.

Parties

1.) Plaintiff, Michael Rinaldi, is a federal prisoner in the custody of the Bureau of Prison confined at United States Penitentiary Canaan.

2.) Defendant, John Doe #1, is employed by the Bureau of Prisons and is the official responsible for approving and implementing an experimental pilot program which collected DNA (saliva) from prisoners.

3.) Defendant, J. Baltazar, is the Warden of United States Penitentiary Canaan.

Statement of Facts

5.) On 12-15-16, I was called to the lieutenants office and told that I was selected to participate in an experimental pilot program in which my DNA (saliva) would be collected. I informed defendant, John Doe #2, that I did not want to participate in this program and that I would refuse my consent. John Doe #2 said that if I did not allow him to collect my DNA (saliva) sample that I would be placed in the hole and receive a disciplinary report. Then he directed me to a memorandum issued by Warden J. Baltazar on December 8th 2016. This memorandum says it is mandatory for inmates to submit to this test or disciplinary action will be taken.

Under duress and fearful of said disciplinary action I capitulated and allowed John doe #2 to collect said sample. Subsequently I filed administrative Remedies pertaining to this incident and was informed that this program was approved by John Doe #1 of the Bureau of Prisons Central Office.

Claim for Relief

6.) The forced collection of DNA (saliva) is a violation of Plaintiff's Rights under the 4th Amendment - Right to be free from illegal search and seizures, the 5th Amendment - Due Process Rights, as well as federal statutes and regulations.

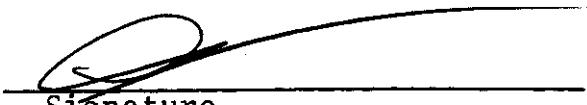
Plaintiff has a protected liberty interest in his DNA and there are multiple statutes and regulations that prohibit the authorities from performing medical experiments on prisoners absent the prisoners consent. Plaintiff was forced to participate in beta tes-

ting for an experimental product and this is unconstitutional.

Prayer for Relief

Wherefore, Plaintiff prays for relief as follows:

- 7.) That the Court enter judgement declaring the acts of the defendants to violate the constitutional Rights of Plaintiff.
- 8.) That the Court award general damages to the plaintiff in the amount of \$25,000.00 - Twenty five thousand.
- 9.) That the Court award punitive damages to the Plaintiff in the amount of \$25,000.00 - Twenty five thousand.
- 10.) That the Court award legal fees, including filing fees and other costs associated with this prosecution to the Plaintiff.
- 11.) That the Court grant any other relief to the Plaintiff that this Court deems appropriate.



Signature

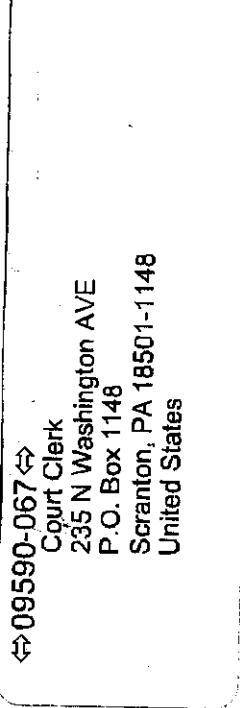
6-19-17

Date

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